

ESTTA Tracking number: **ESTTA318915**

Filing date: **11/25/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91179897
Party	Plaintiff Information Builders, Inc.
Correspondence Address	Howard F. Mandelbaum Levine & Mandelbaum 222 Bloomingdale Road, Suite 203 White Plains, NY 10605 UNITED STATES mail@levman.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Howard F Mandelbaum
Filer's e-mail	mail@levman.com
Signature	/Howard F Mandelbaum/
Date	11/25/2009
Attachments	Notice of Reliance 2.120j.pdf ( 3 pages )(9545 bytes ) Ds Answers to 1st Ints.pdf ( 12 pages )(706998 bytes ) Ds Answers to 2nd Ints.pdf ( 4 pages )(247446 bytes ) Ds Answers to 3rd Ints.pdf ( 6 pages )(371758 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

-----X

INFORMATION BUILDERS, INC. :

Opposer, :

v. : Opposition No. 91179897

BRISTOL TECHNOLOGIES, INC. :

Applicant. :

-----X

**OPPOSER'S NOTICE OF RELIANCE UNDER RULE 2.120(j)**

Plaintiff, Information Builders, Inc., hereby gives notice that it will rely on the following answers by the defendant to plaintiff's interrogatories: Nos. 1, 2, 7, 10, 14, 15, 26, 27, 28, 29, 30, 31, 32.

The answers are contained in Applicant's Response to Opposer's First Interrogatories to Applicant (Nos. 1-26), Applicant's Response to Opposer's Second Interrogatories to Applicant (Nos. 27-31) and Applicant's Response to Opposer's Third Interrogatories to Applicant (Nos. 32-33), copies of which are annexed hereto:

Plaintiff is relying on the answers to interrogatories 1, 2, 7, 10, 14, 26, 27, 28, 29, 30, 31, 32 to show that applicant committed fraud in the filing an amendment of its application for trademark registration.

Plaintiff is relying on the answers to interrogatories 1, 2, 15, 29, to show likelihood of confusion with plaintiff's marks.

Respectfully submitted,

INFORMATION BUILDERS, INC.

New York, New York  
Dated: November 25, 2009

/Howard F. Mandelbaum/  
Howard F. Mandelbaum  
Attorney for Opposer  
Levine & Mandelbaum  
222 Bloomingdale Road  
Suite 203  
White Plains, New York 10022  
(914) 421-0500

**CERTIFICATE OF SERVICE**

It is hereby certified that a copy of the foregoing  
OPPOSER'S NOTICE OF RELIANCE UNDER RULE 2.120(j) has been  
forwarded, this November 25, 2009 by email and by first  
class mail to:

Roger L. Belfay, Esq.  
829 Tuscadora Avenue  
Saint Paul, Minnesota 55102

/Howard F. Mandelbaum/  
Howard F. Mandelbaum

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

-----X

Information Builders, Inc.

Opposer,

Opposition No. 91179897

V.

Serial No. 78954755

Bristol Technologies, Inc.,

Applicant

-----X

APPLICANT'S RESPONSE TO OPPOSER'S FIRST INTERROGATORIES TO  
APPLICANT

Applicant, Bristol Technologies, Inc., Pursuant to Rule 2.120 of the Trademark Rules of Practice of the Patent and Trademark office and rule 33 of the Federal Rules of Civil Procedure, hereby submits its answers to Opposer, Information Builders, Inc.'s first set of interrogatories to Applicant, answered under oath by Applicant.

For the convenience of the board and Counsel, each interrogatory be set forth immediately preceding the answer thereto.

Interrogatory No. 1

Fully set forth the principal business conducted by the Applicant and its licensee(s) in which the mark BRISTOL FOCUS (Hereinafter "the Mark") is presently used or if not yet in use, are intended to be used.

Answer No. 1

Bristol Technologies, Inc. is in the process of developing a proprietary design computer system (hardware) which will use the operating system Bristol Focus.

Interrogatory No. 2

(a) Describe in detail each and every product and service ever intended to be marketed, or already marketed, by Applicant, or its licensee(s), at any time under the Mark.

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(b) Set forth the date of first use of each of the Marks on or in connection with each such product or service identified in response to Interrogatory No. 2(a). For each mark for which there is no first use on or in conjunction with a product identified in response to interrogatory No. 2(a) indicate so with the phrase "no first use".

(c) Set forth the date of most recent use of the Marks on or in connection with each such product identified in response to Interrogatory No. 2(a).

Answer No. 2

(a) and (b) The products as set forth in answer to No.1 above constitute Applicant's product line, however it is reasonable to expect in the future that there will be other products which may seek their own Trademark, and which could add to the 1106 Live Trademark registration applications found within the US Patent and Trademark Office with the word "focus" contained within them.

The first use of the mark in conjunction with this product is set forth in the application which is the subject of this Opposition. It would be cumulative and redundant to reproduce this information at this point.

(c) July 25, 2006.

Interrogatory No. 3

State when Applicant's first intended to use each of the Marks and when it made the decision to adopt and use each of the Marks.

Answer No. 3 July 25, 2006.

Interrogatory No. 4

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Identify all documents and things considered in connection with the conception, intention to use, and use of each of the Marks.

Answer No. 4

The conception of the mark was made while searching the Trademark Electronic Search System (TESS). The intention to use a trademark was formed while attending contract law class, while attending the Engineering College at Montana State University.

Interrogatory No. 5

Fully identify any license which has been granted to or by Applicant for use the Mark (include parties to the license, date, substance of the license, and goods for which such license was granted.

Answer No. 5

There are no such Licenses.

Interrogatory No. 6

Describe each and every measure taken by the licensor(s) to ensure control over the quality of each and every product and service for which each of the Marks has/have been licensed.

Answer No. 6

There are no such measures because there are no such licenses.

Interrogatory No. 7

For the Mark, set forth for each product and service identified in response to Interrogatory No. 2(a) for each year since the first use of said mark or marks:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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(a) The quantity of such product sold or licensed by Applicant under each the marks.

(b) Applicant's dollar amount of annual sales for each such product sold under each of the Marks.

(c) Applicant's dollar amount of annual sales for each such service sold under each of the Marks.

Answer No. 7

(a) Zero

(b) Zero

(c) Zero

Interrogatory No. 8

For each product identified in response to Interrogatory No. 2(a), state the average price at wholesale and retail for each item sold under each Mark.

Answer No. 8

The current Wholesale price is \$5000 per system which includes installation, the hardware platform, and accessories.

Interrogatory No. 9

For each product and service identified in response to Interrogatory No. 2(a), set forth for each year since the date of first use of each of the marks on or in connection with each such product or service, the dollar amount expended by Applicant on advertising and promotion under each of the Marks.

Answer No. 9

\$0.00; the only expenditures so far were involved in the advertising in the Bozeman Daily Chronicle, which expenditure occurred prior to first use.



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Interrogatory No. 10

State whether use the Mark by the Applicant has ever been interrupted, and if so, state the date and duration of each such interruption.

Answer No. 10

There have been no interruptions in the use of the Mark by Applicant since Applicants First use.

Interrogatory No. 11

Specify the date and place of Applicant's first advertising of each of the Marks, state the specific nature of such advertising, including the type or types of products and services on or in connection with such first advertising was made, and identify all documents concerning such advertising.

Answer No. 11

The advertising history associated with Applicants products are available as part of the trademark application which is the subject of this Opposition. It would be redundant and cumulative to provide this information in response to this Interrogatory.

Interrogatory No. 12

For the Mark, identify each and every publication in which Applicant intends to advertise or has advertised any of its products licensed or sold, or services promoted or rendered under such mark.

Answer 12

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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The intended advertising has not been determined at this time. There has been use of the Mark in the web page [www.BristolHomeCentral.com](http://www.BristolHomeCentral.com) .

Interrogatory No. 13

Fully identify each different document and thing not otherwise identified in response to these interrogatories on which Applicant has used the Mark or intends to use the Mark.

Answer No. 13

There are no such documents or things.

Interrogatory No. 14

Identify all distributors, representatives, and salespeople who have participated in the marketing of Applicant's products or services under one or more of the Marks or whom Applicant intends to have participate in the marketing of Applicant's products or services under one or more the Marks.

Answer no. 14

There are no such parties or persons at this time.

Interrogatory No. 15

(a) Describe the class of consumers to whom Applicant has marketed, or intends to market, each of the goods and services identified in response to Interrogatory No. 2(a).

(b) Describe in detail the manner in which the Applicant's products identified by the Mark are distributed, or are intended to be distributed to the ultimate consumer of the products, e.g. through distributors.

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Answer No. 15

(a) Home and Business Owners

(b) Distribution is via Bristol Home Central

Installers.

Interrogatory No. 16

Fully describe each shopping survey or public opinion poll involving one or more of the Marks conducted by or on behalf of, Applicant (include date conducted, Location, persons involved, and questions asked.

Answer No. 16

There are none.

Interrogatory No. 17

Fully describe, including subject and date, any report which has been prepared concerning any matter relating to this proceeding.

Answer No. 17

There are none.

Interrogatory No. 18

Fully describe each inquiry Applicant has received concerning Applicant or Applicant's products, services, trademarks, and service marks, (include date, persons involved, substance and documents).

Answer No. 18

There are none.

Interrogatory No. 19

State whether Applicant has ever received from any person or entity any misdirected mail, telephone calls,

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orders, complaints, or other matter apparently intended for Applicant. If so identify all such persons or entities and all documents and oral communications concerning the misdirected mail, telephone calls, orders, complaints or other matter.

Answer No. 19

Applicant has not received such items or inquiries. There are no such persons.

Interrogatory No. 20

Identify the individual or individuals who conceived the Mark, and the date of such conception.

Answer No. 20

The Mark was conceived by David W. Bristol, on or about July 20, 2006.

Interrogatory No. 21

Fully describe each search or investigation ever conducted by Applicant to determine the availability of each of the Marks (include scope of search, identity of investigator, results, and documents and oral communications concerning each such search or investigation involved), excluding comments and opinions of attorneys.

Answer No. 21

David W. Bristol spent several days conceiving names and phrases and than searching the US Patent and Trademark Office' TESS database for those names and phrases. After studying the extent of online documentation at the patent and trademark web page <http://www.uspto.gov/#> the Trademark decision was made on his own.

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Interrogatory No. 22

Fully describe the details of Applicant's first learning of Opposers's use of the term FOCUS (include time, place, goods on which used, if applicable, and circumstances, and documents involved).

Answer No. 22

Applicant first learned of Opposer's use of the term "FOCUS" by means of this Opposition. It should be noted that Applicant's search for the Term FOCUS yielded in excess of 1,100 hits among the "Live" records in the US Patent and Trademark Office' TESS system. Mr. Bristol reduced the list by appending the term "BRISTOL", no "Live" records were reported.

Interrogatory No. 23

Fully describe each legal proceeding (other than the present one), whether in the United States Patent and Trademark Office, or any court, which involved or pertained to Applicant's use of the Mark(include title of proceeding, forum, nature of proceeding, and final outcome).

Answer No. 23

There are no such proceedings.

Interrogatory No. 24

Explain the origin of the Mark "Bristol Focus" which is the subject of Applicant's application for registration.

Answer No. 24

Mr. Bristol conceived this mark and validated its availability for use by Applicant through the US Patent and Trademark office' TESS system.

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Interrogatory No. 25

Identify all documents referred to in preparing responses to each of the foregoing interrogatories.

Answer No. 25

Trademark Manual of Examining Procedure (TMEP) - 5<sup>th</sup> Edition.

U.S. Trademark Law Rules of Practice & Federal Statutes U.S. Patent & Trademark Office, November 1, 2007

The Trademark application which is the subject of this Opposition.

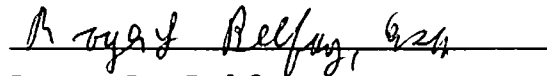
Interrogatory No. 26

Identify each version of Opposer's software ever purchase, licensed, or used by Applicant, state the date and version of the software, and all purposes for which it has ever been used.

Answer No. 26

No such purchase, license, or use by applicant has occurred.

Bristol Technologies, Inc.



Roger L. Belfay

Attorney for Applicant

829 Tuscarora Avenue

Saint Paul, Minnesota 55102

651-222-2782

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

-----X

Information Builders, Inc.

Opposer,

V.

Bristol Technologies, Inc.,

Applicant

-----X

Opposition No. 91179897

Serial No. 78954755

It is hereby certified that a copy of the foregoing  
Applicant's Response to Opposer's First Interrogatories to  
Applicant has been forwarded, This November 18, 2007 by  
first class mail to:

Alan H. Levine  
Levine & Mandelbaum  
444 Madison Avenue, 35<sup>th</sup> Floor  
New York, NY 10022



Roger L. Belfay

Attorney for Applicant

829 Tuscarora Avenue

Saint Paul, Minnesota 55102

651-222-2782

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

-----X  
Information Builders, Inc.

Opposer,

V.

Opposition No. 91179897

Serial No. 78954755

Bristol Technologies, Inc.,  
Applicant  
-----X

On this the 24 Day of March 2008, before me came David Bristol, to me personally known, who being duly sworn did depose and say that he is president of Bristol Technologies, Inc. referred to Opposition No. 91179897, and further stated: 1) that he has read Applicant's Responses to Opposer's first interrogatories dated November 17, 2007 and served upon Opposer on November 18, 2007, has read said document, and knows the contents thereof and knows and that the same are true to his own knowledge or the best of his information and belief as an officer of said company, and 2) that he has read Applicant's Responses to Opposer's first Request for production of documents and things dated November 17, 2007 and served upon Opposer on November 18, 2007, has read said document, and knows the contents thereof and knows and that the same are true to his own knowledge or the best of his information and belief as an officer of said company.

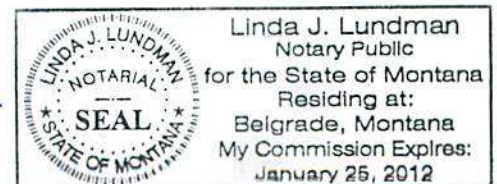
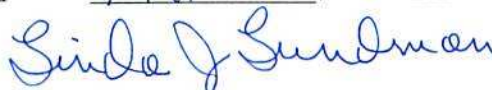
Bristol Technologies, Inc.



David Bristol, President

Subscribed and sworn to before me  
this 24 day of March, 2008.

Notary Public





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

-----X  
Information Builders, Inc.

Opposer,

Opposition No. 91179897

V.

Serial No. 78954755

Bristol Technologies, Inc.,  
Applicant

-----X

APPLICANT'S RESPONSE TO OPPOSER'S SECOND INTERROGATORIES TO  
APPLICANT

Applicant, Bristol Technologies, Inc., Pursuant to Rule 2.120 of the Trademark Rules of Practice of the Patent and Trademark office and rule 33 of the Federal Rules of Civil Procedure, hereby submits its answers to Opposer, Information Builders, Inc.'s first set of interrogatories to Applicant, answered under oath by Applicant.

For the convenience of the board and Counsel, each interrogatory be set forth immediately preceding the answer thereto.

**Interrogatory No. 27**

With reference to the advertisement in The Chronicle submitted with Applicant's application to register BRISTOL FOCUS, state or identify;

- (a) the date the advertisement appeared in The Chronicle:
- (b) the cost of the advertisement:
- (c) the person who composed the advertisement
- (d) whether Applicant received any orders for goods or services in response to the advertisement.

**Answer No. 27**

(a) July 25, 2006.

(b) ~~\$0.00~~ \$51.05 DWB

(c) Unknown. David W. Bristol

(d) No orders were received in response to the advertisement.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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**Interrogatory No. 28**

With reference to the specimen of a computer system with the mark appearing on the video display submitted by Applicant with its response to the office action dated January 12, 207, state or identify:

- (a) the number of such computer systems bearing the trademarks BRISTOL FOCUS shipped by Applicant:
- (b) the date the first such computer system was shipped:
- (c) the name and address of the person or entity to whom the first such computer system was shipped:
- (d) all component parts of such computer system.

**Answer No. 28**

- (a) None.
- (b) Not applicable.
- (c) Not Applicable.
- (d) Not Applicable.

**Interrogatory No. 29**

With reference to Applicant's answer to Opposer's Interrogatory No. 1, state or identify:

- (a) the function of Applicant's BRISTOL FOCUS computer operating program:
- (b) the date that the BRISTOL FOCUS computer operating program was completed:
- (c) the date that Applicant first distributed a BRISTOL FOCUS computer operating program to anyone.
- (d) the name and address of the person or entity to whom the BRISTOL FOCUS computer operating system was shipped.

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**Answer No. 29**

- (a) control and govern the use of the computer basic hardware platform in order to facilitate a base for the smooth operation of user loadable software in addition to basic provided Operating System (OS) functions. The nature of those functions are not public at this time as the product has not been released to the market.
- (b) It has not been completed as of this writing.
- (c) Not Applicable.
- (d) Not Applicable.

**Interrogatory No. 30**

With reference to Applicant's answer to Opposer's Interrogatory No. 2(b), state in detail:

- (a) Applicant's activity which constituted its first use of the trademark BRISTOL FOCUS;
- (b) Applicant's activity which constituted its first use of the trademark BRISTOL FOCUS on July 25, 2006.

**Answer No. 30**

- (a) July 25, 2006 Dave The date I have for the newspaper ad is July 25, 2006. If this is incorrect now is the time to fix it.
- (b) The first use was in the Bozeman Daily Chronicle news paper associating the mark with Bristol Technologies and its product line.

**Interrogatory No. 31**

With reference to Applicant's answer to Opposer's Interrogatory No. 20, describe Applicant's activity between the date Applicant's mark BRISTOL FOCUS was conceived, on July 20, 2006, and the date that trademark was first used on July

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BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

25, 2006, to bring about that first use.

**Answer No. 31**

My activity was to correspond with my attorney to seek the path forward with the filing of the trademark application.

Roger L. Belfay, Esq.

Roger L. Belfay

Attorney for Applicant

829 Tuscarora Avenue

Saint Paul, Minnesota 55102

651-222-2782

David Bristol  
Bristol Technologies, Inc.

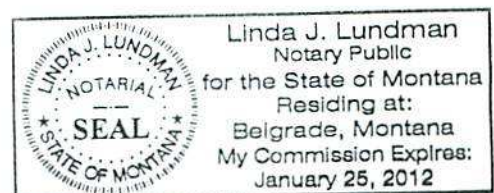
David Bristol, President

On this 24 day of March, 2008, before me personally came David Bristol, to me personally known, who being by me duly sworn did depose and say that he is president of Bristol Technologies, Inc. referred to the foregoing document, that he has read said document and knows the contents thereof, and that the same are true to his own knowledge or the best of his knowledge and belief as an officer of said company.

Subscribed and sworn to before me  
this 24 day of March, 2008.

Linda J. Lundman

Notary Public



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

-----X  
Information Builders, Inc.  
Opposer,

Opposition No. 91179897

V.

Serial No. 78954755

Bristol Technologies, Inc.,  
Applicant  
-----X

APPLICANT'S RESPONSE TO OPPOSER'S THIRD INTERROGATORIES TO  
APPLICANT

Applicant, Bristol Technologies, Inc., Pursuant to Rule 2.120 of the Trademark Rules of Practice of the Patent and Trademark office and rule 33 of the Federal Rules of Civil Procedure, hereby submits its answers to Opposer, Information Builders, Inc.'s Third set of interrogatories to Applicant, answered under oath by Applicant.

For the convenience of the board and Counsel, each interrogatory be set forth immediately preceding the answer thereto.

**Interrogatory No. 32**

(a) Fully describe the method by which the image of the words "Bristol" and "Focus" followed by the initials "TM" and "SM" as shown in the substitute specimen filed in the Patent and Trademark office on July 15, 2007 was created prior to being photographed;

(b) Identify the person(s) who created the image referred to in paragraph (a) above;

(c) Stated the date on which the image referred to in paragraph (a) above was created;

(d) State the date on which the image referred to in paragraph (a) above was photographed for use as the substitute specimen;

(e) Identify the computer software, if any, that displayed the image referred to in paragraph (a) above on a

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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video display while it was being photographed for use as a substitute specimen;

(f) State the content of each and every copyright notice that appeared in the computer software referred to in paragraph(e) above;

(g) Identify the make, model, and year of the purchase of the video display on which the image referred to in paragraph (a) above was displayed while the substitute specimen was being photographed;

(h) State the purpose for which the image referred to in paragraph (a) above was created;

(i) Identify each and every item of computer hardware on which the Mark Bristol FOCUS appeared on July 15, 2007;

(j) Identify the person who photographed the image referred to in paragraph (a) above for use as a substitute specimen;

**Answer No. 32**

- (a) The file source code is in Microsoft Power Point and exported to a JPG file. Bristol Home Central ® system took in that image.
- (b) David W. Bristol created the image.
- (c) The file date I have on my office machine is dated is Feb 22, 2007.
- (d) The photo is dated March 26, 2007.
- (e) The computer software that displayed the image is Bristol Focus TM.
- (f) From the file "Working\_DisplayCentral.c" dated Aug 29, 2006 the following copyright notices are provided below:

```
// COPYRIGHT (c) 2006 Bristol Technologies, Inc.  
//  
// Bristol Home Central is a Trademark of Bristol Technologies,  
Inc.
```

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

```
// Bristol Focus is a Trademark of Bristol Technologies, Inc.
//
// This work contains valuable confidential and proprietary
information
// of Bristol Technologies, Inc. Disclosure, use or
reproduction without
// the prior written authorization of Bristol Technologies, Inc.
is prohibited.
//
// Title: DisplayCentral.c
//
// Purpose: This is the main process for the TMS320 DSP. The
following tasks
// are responsible for the operation of the VGA display
system, camera
// video storage, video retrieval, video transport to
Home Central.
//
```

Taken from another file "DiskDrive.c" dated Aug 10, 2006 the following content was cut and past:

```
// COPYRIGHT (c) 2006 Bristol Technologies, Inc.
//
// Bristol Home Central is a Trademark of Bristol Technologies,
Inc.
// Bristol Focus is a Trademark of Bristol Technologies, Inc.
//
// This work contains valuable confidential and proprietary
information
// of Bristol Technologies, Inc. Disclosure, use or
reproduction without
// the prior written authorization of Bristol Technologies, Inc.
is prohibited.
//
// Title: DiskDrive.c
//
// Purpose: This file contains the tasks and drivers to access
and use the
// hard disk drive system.
//
```

- (g) the make, model, and year of the purchase of the video display on which the image referred to in paragraph (a) above was displayed while the substitute specimen was being photographed was an NEC ASLCD92V-BK, purchased on Oct 21, 2005.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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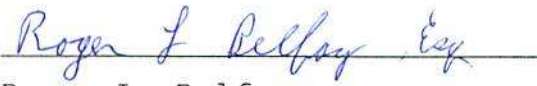
- (h) The image is used to identify to users and viewers of this product that this product created by Bristol Technologies, Inc.
- (i) The image was only applied to the units in the photos.
- (j) The photos were taken by David W. Bristol of Technologies, Inc.

**Interrogatory No. 33**

State the name of each and every employee of Bristol; Technologies, Inc. between July 25, 2006 and July 15, 2007 and describe his or her duties.

**Answer No. 33**

Bristol Technologies, Inc. has two employees: David W. Bristol and Nancy I. Bristol as indicated in the business filings with Montana State. Davis W. Bristol is President of Bristol Technologies, Inc. and Nancy I Bristol is the Treasurer.

  
Roger L. Belfay  
Attorney for Applicant  
829 Tuscarora Avenue  
Saint Paul, Minnesota 55102  
651-222-2782



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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Information Builders, Inc.

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Serial No. 78954755

Bristol Technologies, Inc.,

Applicant

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It is hereby certified that a copy of the foregoing  
Applicant's Response to Opposer's Third Interrogatories to  
Applicant has been forwarded, This July 20, 2009 by first  
class mail to:

Howard F. Mandelbaum  
Levine & Mandelbaum  
222 Bloomingdale Road  
Suite 203  
White Plains, NY 10605

Roger L. Belfay, Esq.

Roger L. Belfay

Attorney for Applicant

829 Tuscarora Avenue

Saint Paul, Minnesota 55102

651-222-2782

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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Opposition No. 91179897

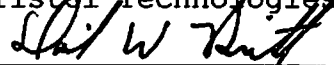
V.

Serial No. 78954755

Bristol Technologies, Inc.,  
Applicant  
-----X

On this the 30 Day of October 2009, before me came David Bristol, to me personally known, who being duly sworn did depose and say that he is president of Bristol Technologies, Inc. referred to Opposition No. 91179897, and further stated: 1) that he has read Applicant's Responses to Opposer's second and third interrogatories dated July 20, 2009 and served upon Opposer on July 20, 2009, has read said document, and knows the contents thereof and knows that the same are true to his own knowledge or the best of his information and belief as an officer of said company, and 2) that he has read Applicant's Responses to Opposer's second Request for production of documents and things dated July 20, 2009 and served upon Opposer on July 20, 2009, has read said document, and knows the contents thereof and knows and that the same are true to his own knowledge or the best of his information and belief as an officer of said company.

Bristol Technologies, Inc.



David Bristol, President

Subscribed and sworn to before me  
this 30 day of October, 2009.

Notary Public

